



# Confederated Umatilla Journal

Confederated Tribes of the Umatilla Indian Reservation

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For immediate release: November 19, 2017

## **Radford to appeal Nov. 14 Election**

By the CUJ

MISSION – A run-off election is scheduled for Feb. 12, 2018, to decide the race between incumbent Jeremy Wolf and challenger Shana Radford for the position of Board of Trustees vice-chair for the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).

The two tied with 370 votes in the Nov. 14 General Election when ballots were cast for a dozen BOT and General Council positions.

The election was certified by the Election Commission at 12:30 a.m. on Nov. 15 following a recount of votes that confirmed the tie.

As is the right of a candidate in such a tight vote, Radford called for another recount, which took place at 2 p.m. on Nov. 15.

Radford and her poll watcher, Melinda Broncheau, were present at the recount and, following the process, Radford filed a complaint citing a number of inconsistencies that she said threatens the integrity of the election process.

Late Friday, Nov. 17, the Election Commission denied Radford's complaint because, the Commission ruled, it had not been filed in a timely manner.

A letter signed by Election Commission Chair Andrea Hall cited the Election Code, which states, "...the claim that the Commission conducted a violation of this code must be filed with the Commission no later than the day after the Tribal General (or Special Election), as appropriate."

Radford's complaint was filed two days after the General Election so "was not timely filed and cannot be heard by the Commission," the letter states.

Radford said she intends to appeal the decision to the Umatilla Tribal Court, which has jurisdiction to review the Election Commission's decision on election disputes.

Radford told the CUJ she filed the complaint to "ensure trust and accountability in our election process and to be sure standards of fairness are enforced."

Her complaint basically hinges on "decisions regarding 'voter with intent' norms."

The CTUIR Election Code 3.13B states: "The Election Commission shall not count votes for an elected position or for other matter(s) on the ballot where the Qualified Voter has failed to follow the ballot instructions in voting for that position or matter."

However, in some instances, even when voters did not follow instructions, the ballots were accepted by the Election Commission “because the intent was very clear,” according to Commission member Tami Rochelle. For example, instead of drawing a solid line for the position to the appropriate candidate, one ballot circled the position and the candidate. The Election Commission deemed that to be “clear intent.”

Radford said while the recount was taking place she asked about “discrepant” ballots. She was told that sometimes voters make “marks or mistakes but the Election Commission can tell intent.” At that point, Radford said, she thought that was “odd.”

She said she checked CTUIR Election Codes and could find nothing about “intent” so chalked it up to what she termed “a customary norm.”

“I could understand that they were trying their best for every voter,” Radford said.

However, in at least one instance that she witnessed, Radford said, the Election Commission did not open an absentee ballot that was similar to ballots that were opened and counted.

“If you’re going to go that way, then throw them all out. If they don’t follow the instructions then throw them all out. I get why you go with voter intent, but you have to be consistent or it’s not a fair process,” she said. Radford said it’s not about winning or losing.

“It’s everything to do with all tribal citizens having a free and fair election,” she said. “And after seeing it I can’t ignore it. It’s too wishy washy. I want to trust the system, but I can’t trust it right now.

“It’s the biggest voice our people have as tribal citizens and even if I lose we still win if the process is better,” Radford continued. “I want people to vote. I want them to commit to vote. If they lose trust in the system, they don’t vote.”

Wolf, in a phone interview with the CUJ on Nov. 19, said he trusts in the Election Commission, which is appointed and given “full authority” by the General Council and the Board of Trustees, to follow its rules and procedures.

Wolf said he, like Radford, wants to see consistency, and as long as the Election Commission addresses those issues, including timelines, he is comfortable stepping away and allowing that to take place.

“There’s always room to readdress the process, statutes and codes, but it has to come in the off season. During the election the rules need to be applied and need to be followed and if I had a complaint I would need to be within the time frame; the time frame and the policies certainly need to be followed. Part of the platform I ran on two years ago and continue to run on was to ensure policies and procedures are followed.”